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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,800	02/10/2004	Larry Ware	MAGGARD	9689

7590

03/23/2006

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EXAMINER

SLITERIS, JOSELYNN Y

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/775,800

Applicant(s)

WARE ET AL.

Examiner

Joselynn Y. Sliteris

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04222004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either an application data sheet or supplemental oath or declaration.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 18 (page 7 line 5). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 1-4 are objected to because of the following informalities: in claim 1 line 14 after "rod", --member-- should be inserted; in claim 1 line 20, "of said" should be deleted; in claim 1 line 25 after "eye", --member-- should be inserted; in claim 2 line 3, "said axle of" should be --said axle member of--; in claim 2 lines 6 & 8 after "differential", --portion-- should be inserted; in claim 2 line 8 after "axle", --member-- should be inserted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. In claim 1 line 1, "the front suspension" lacks proper antecedent basis in the claim.

7. In claim 1 line 21, "said first stabilization rod member" lacks proper antecedent basis in the claim.

8. In claim 1 lines 26-27, "said second stabilization rod securing means" lacks proper antecedent basis in the claim.

9. In claim 2 lines 2-3, "the differential portion" lacks proper antecedent basis in the claim.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raidel (U.S. Patent 4,900,057) in view of Sheridan (U.S. Patent 6,039,335).

12. Regarding claims 1 and 3, Raidel discloses a stabilization system as in the present invention comprising:

an axle attachment plate 60 having first stabilization rod securing means 58;

a chassis attachment plate 64;

a stabilization rod member 68 having first and second stabilization rod member ends, a first and second threaded orifices being positioned respectively at said first and second stabilization rod member ends;

first and second eye members 70, 78 respectively having first and second threaded studs extending from an eye structure thereof.

But Raidel does not disclose first and second eye member securing members.

Sheridan discloses that it is known in the art to provide first and second eye member securing members 96b, 98b. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the first and second eye members of Raidel with the first and second eye member securing members of Sheridan, in order to secure the first and second eye members in a threaded engagement with the

stabilization rod member, resulting in the first and second eye member securing members and the first and second threaded orifices of the stabilization rod member being respectively configured to constitute first and second hinge joints assemblies.

13. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raidel (U.S. Patent 4,900,057) in view of Sheridan (U.S. Patent 6,039,335) as applied to claim 1 above, and further in view of Lenze (U.S. Patent 1,970,859).

14. Regarding claims 2 and 4, Raidel and Sheridan disclose the claimed invention except for the axle attachment plate being configured to attachment to the differential portion of the axle member. Lenze discloses that it is known in the art to provide an axle attachment plate 16 being configured for attachment to the differential portion 11 of the axle member, the axle attachment plate 16 having mounting holes which correspond with bolts 30 holding an access plate 15 of the differential portion in place, whereby the axle attachment plate may be mounted to the axle member using bolts of the differential portion. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the configuration of the stabilization system as well as the location and attachment means of the axle attachment plate of Raidel and Sheridan according to the teachings of Lenze, in order to simplify installation and reduce the number of parts necessary.

Conclusion


15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joselynn Y. Sliteris whose telephone number is 571-272-6675. The examiner can normally be reached on Mon, Thurs & Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joselynn Y. Sliteris 3/20/06
Patent Examiner
Art Unit 3616

JYS
3/20/06


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